

RULES OF SENIOR JUDGE WHITMAN KNAPP

COMMUNICATIONS

Calls to Chambers are to be made only during business hours. When telephoning, parties must be prepared immediately to give the correct title of the action and docket number to avoid unnecessary delay.

All requests for copies of documents are to be made in Room 109 (in the lobby) in the Courthouse, not in Chambers.

Faxes to chambers are permitted only if copies are also simultaneously served upon all counsel. No document longer than 10 pages may be faxed. The faxed number is (212) 805-6171.

PAPERS

All legal papers must be filed with the Clerk of the Court and a courtesy copy must be delivered to Chambers on the date of filing. Originals will not be accepted in Chambers. Letters and other documents submitted to Chambers without the docket number (or an incorrect docket number) may be rejected, or their consideration may be substantially delayed. All documents filed with the Clerk's Office must have the initials "WK" after the docket number.

The originals of all proposed orders, judgments and decrees must be submitted through the Clerk's Office and not directly to Chambers. All Orders to Show Cause and TROs are to be brought for approval to the Orders and Appeals Clerk, 500 Pearl Street, Room 120, and only after such approval to Judge Knapp's Chambers.

Strict compliance with Local Civil Rule 1.9 (Disclosure of Interested Parties) is required.

MOTION RULES AT A GLANCE

Pre-motion Conference:	Summary judgment & discovery only
Motions Returnable:	No return date
Oral Argument:	Yes
Special Filing Rules:	Yes
Courtesy Copies to Chambers:	Yes, paper and floppy disk copies

MOTION RULES & PROCEDURES

Pre-motion Conferences

The Court requests that any party contemplating a motion for summary judgment or for discovery arrange a pre-motion conference by contacting the Judge's Deputy Clerk, Evon Simpson, at (212) 805-6173. In general, no discovery motion should be made unless the moving party has made all reasonable effort to resolve any questions by discussion with other parties.

Return Dates & Special Filing Rules

Unless otherwise ordered by the Court, all motions, unless brought on by an Order to Show Cause, should be made without a return date. Unless the parties otherwise agree, opposing papers must be served within fourteen days of service of the motion papers. Reply papers, if any, must be served within five business days of service of opposition papers. Chambers shall be promptly notified of any agreement varying the schedule.

The Court will notify counsel of the date and time for oral argument if the Court believes that oral argument will be helpful. Additionally, a party may request oral argument.

The filing of a motion cancels any previously scheduled status conference unless the parties are notified otherwise by Chambers. A new conference date will be scheduled after such pending motion is decided.

When feasible, litigants should submit a second courtesy copy of memoranda of law on a 3.5" IBM-formatted diskette in WordPerfect version 6.1 or higher format.

Adjournments

Requests for adjournments BY CONSENT may be made by fax at (212) 805-6171 or by mail.

The Judge's staff commences work on motions no later than two days before oral argument. Accordingly, **no motion will be adjourned** unless the adjournment is requested by noon two days before oral argument. Failure of a party to appear on a scheduled return date may result either in the denial of the motion with prejudice or it being granted by default.

Conferences & Oral Argument

Unless Chambers otherwise indicates, all conferences and oral arguments will be held in Chambers, room 1201, 40 Foley Square.

PRE-TRIAL & TRIAL RULES & PROCEDURES

Initial Pre-Trial Conference: Within sixty (60) days after the appearance of a defendant and in any event within ninety (90) days after plaintiff has served the complaint, regardless of any extension of defendants' time to appear, move, or answer, plaintiff's counsel must call Ms. Evon Simpson to arrange an initial pre-trial conference. At the conference, the parties should be prepared to report on the status of settlement negotiations.

Preparation of Cases for Trial

1. **At least ten days before trial** counsel for each of the parties should file in Chambers, Room 1201, with proof of service on opposing counsel:
 - a. A joint statement of all facts that can be agreed upon.
 - b. In jury cases, proposed voir dire questions and requests to charge with supporting legal citations. When feasible, proposed jury charges should also be submitted on a 3.5" IBM-formatted diskette in WordPerfect version 6.1 or higher format
 - c. In nonjury cases, a pretrial memorandum setting forth the factual and legal contentions of the party together with supporting authority.
 - d. In nonjury cases, a brief summary of the salient portions of each deposition to be offered in evidence with appropriate citations to the transcript of the deposition.
 - e. A list of witnesses each side expects to call.
2. **Prior to the trial**, all exhibits should be pre-marked using numerals for plaintiff's exhibits and letters for defendant's exhibits. A complete set of the documentary exhibits should be furnished to counsel for each opposing party who will be represented at the trial. Parties should stipulate as to authenticity and admissibility to the extent possible. As to any exhibit subject to an objection, the pretrial memorandum should state the ground for the objection with supporting authority.
3. **At the beginning of the trial**, a complete extra set of documentary exhibits should be handed to the Judge for his use during the trial, and a list of all exhibits should be supplied to the Courtroom Deputy Clerk and to the Judge. Each party should keep custody of its own exhibits.

Trials

Any party desiring an expedited trial date should contact Ms. Simpson, Deputy Clerk, at (212) 805-6173. If cases are ready, they can be tried with little or no delay.

OTHER MATTERS

Citations to New York cases must include citations to the New York Supplement, and citations to U.S. Supreme Court cases must include citations to the United States Reports. If cases cited are not available in the West Publishing Company's National Reporter System, litigants are encouraged to attach copies of the cases cited whenever the case does not exceed forty (40) pages in length.

ORDERS & FORMS

RE:

TO ALL COUNSEL:

The above-entitled case will be placed on the Ready Calendar as of _____, 20____, by which date you must be ready for trial on twenty-four (24) hours' notice.

1. Submit to Chambers all briefs and/or requests to charge (unless already submitted) by 2 p.m. on the Friday preceding your trial date.
2. Inform Chambers immediately should the case be settled (805-6173).

Compliance by all counsel with these instructions will minimize inconvenience to all parties awaiting trial and is accordingly directed by the Court.

Very truly yours,

Courtroom Deputy Clerk to Judge Knapp

P.S.

All trial exhibits are to be marked and numbered in advance of trial.